

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DAVID SEARCY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-cv-0806-DGK
)	
GARRET LYNCH, et al.,)	
)	
Defendants.)	

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

This lawsuit stems from Plaintiff David Searcy’s claim that Defendants arrested him without probable cause on charges of obstruction of justice, public intoxication, and failure to comply with a police order.

Now before the Court is Defendants’ unopposed motion for partial summary judgment (Doc. 5) on Count Two, Plaintiff’s state law claim for malicious prosecution. Defendants argue, and Plaintiff does not dispute, that this claim is time-barred.

Under Missouri law, the statute of limitations for malicious prosecution is two years, and the action accrues upon the termination of the allegedly malicious prosecution in the plaintiff’s favor. *Williams v. S. Union Co.*, 364 S.W.3d 228, 231 (Mo. App. 2011). The record shows that Plaintiff was acquitted of all three charges on July 22, 2016, and so Plaintiff had until July 22, 2018, to file his malicious prosecution claim. He did not do so until August 31, 2018, over one month after the statute of limitations ran. Thus, with respect to Count Two, Defendants are entitled to summary judgment as a matter of law.

Defendants’ motion is GRANTED. The Court enters summary judgment in Defendants’ favor on Count Two.

IT IS SO ORDERED.

Date: January 23, 2019

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT